

Notice of Allowability

Application No.

09/712,389

Examiner

Dung V Nguyen

Applicant(s)

CHEN ET AL.

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 19 July 2004.
2. ☒ The allowed claim(s) is/are 3,5-8,13-17,20-24,26-34 and 37-39.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 10.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DUNG VAN NGUYEN
PRIMARY EXAMINER

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 10-12 to invention non-elected without traverse. Accordingly, claims 10-12 have been cancelled.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 10-12.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, a loading chamber controlling the position of the base assembly relative to the housing, in combination with the rest of the limitation in claims 3 and 7; the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, a notch positioned and configured to reduce downward load transmitted from one of the chambers through the annular flap of the flexible membrane to the main portion so as to reduce compressions in the main portion, in combination with the rest of the limitation in claims 5 and 13; the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, a first notch is formed at a juncture between the

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annular portion and the main portion and a second notch is formed at about mid-point of the annular portion, in combination with the rest of the limitation in claim 15; the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, the inner annular portion including a rim section between the base assembly and the widened section, in combination with the rest of the limitation in claims 20 and 37; the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, a first flap connected to a top vertex of the outer annular portion and second flap connected to a second vertex of the outer annular portion, in combination with the rest of the limitation in claim 23; the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, the inner annular portion including a notch, in combination with the rest of the limitation in claims 17 and 24; the art of record considered as a whole alone or in combination neither anticipates nor renders obvious, the annular flaps includes a notch adapted to allow the annular flaps to flex when the pressure is unequal in adjacent pressurizable chambers, in combination with the rest of the limitation in claims 26, 28, 30 and 31.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

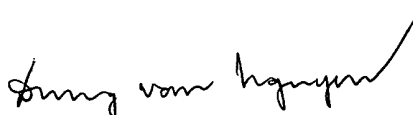
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

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6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DVN
September 1, 2004



DUNG VAN NGUYEN
PRIMARY EXAMINER